

Attachment 2: Conditions of Approval

EXHIBIT B - CONDITIONS OF APPROVAL BIDDLE RANCH VINEYARDS, LLC MINOR USE PERMIT DRC2013-00068

Approved Development

1. This approval authorizes the phased construction of an approximately 4,750 square-foot winery facility and limited special events program as follows:
 - a. Phase 1: Construction of a 1,350 square-foot single story winery and tasting room with a 1,400 square-foot outdoor processing area and four 18' tall outdoor vats, and a 400 square-foot detached restroom building.
 - b. Phase 2: Construction of a 3,000 square-foot two story barrel storage building and offices to replace the existing barn adjacent to Biddle Ranch Road. The iconic barn on the northerly half of the property is not part of the project.
 - c. A limited special events program consisting of six annual events with no more than 80 attendees each in addition to those events currently allowed by the County Land Use Ordinance.
 - d. This approval authorizes a maximum case production of 15,000 cases annually.
2. No outside amplified music shall occur before 10 AM or after 5 PM.
3. The approved development shall not be established until all existing unpermitted development (e.g. outdoor fireplace and interior garage work) receives final building permit inspection.

Conditions to be completed at the time of application for construction permits or prior to issuance of construction permits

4. All development shall be consistent with the approved site plan, floor plans, and architectural elevations.

Access

5. **At the time of application for construction permits**, the applicant shall submit plans to the Department of Public Works to secure an encroachment permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Reconstruct the existing site access driveway approaches in accordance with County Public Improvement Standard B-1 drawing for rural roadways.

Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with the Land Use Ordinance. Drainage may be required to be detained on-site and the design of the detention structure shall be approved by the Department of Public Works.

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Exterior Lighting

7. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

8. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 26, 2010.

Landscaping / Screening / Water Conservation

9. **At the time of application for construction permits**, the applicant shall submit a final landscape plan prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), incorporating the use of drought-tolerant, low-water use species consistent with the surrounding natural vegetation that will use of drip irrigation or better water saving techniques. The landscape plan shall preclude lawn/turf areas associated with the winery.
10. **At the time of application for construction permits**, the applicant shall submit to the Department of Planning and Building a landscape/screening plan that achieves 100% screening (with vegetation, fencing, or a combination of both) of the four proposed 18' tall vats so they are not visible from any public road. The screening shall be maintained for the life of the project.
11. **At the time of application for construction permits**, the applicant shall show on the construction permits, project designs that will promote groundwater recharge (22.52.140) by application of Low Impact Development (LID) design techniques. For example roof runoff should be directed to drainage swales and not to impervious surfaces, rain barrels, stormwater ponds, bio-retention systems, or other methods as approved by Public Works. At least two designer selected LID measures shall be applied to the project.

Environmental Health

12. **At the time of application for construction permits**, a pump test should be performed to ensure that there will be sufficient water available to serve the proposed project. The applicant shall contact the Environmental Health Department for specific pump requirements.
13. **At the time of application for construction permits**, the applicant shall submit a water quality test to the Environmental Health Department for review and approval.

Conditions to be completed prior to issuance of construction permits

Air Quality

14. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
 - a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased

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watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.

- c. All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used.
 - e. All of these fugitive dust mitigation measures shall be shown on grading and building plans.
 - f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emission and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity. Their duties shall include holidays and weekend periods when work may not be in progress.
15. **Prior to commencement of construction activities**, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.
16. **Prior to issuance of construction permits**, the applicant shall submit verification from the San Luis Obispo County Air Pollution Control District that the project has received necessary operational permits for the proposed back-up generator.

Fees

17. **Prior to issuance of construction permits**, the applicant shall pay all applicable school, public facilities and Templeton Area Road Fees.

Health Department

18. **Prior to issuance of construction permits**, the applicant shall obtain all the appropriate Health Department permits. The Health Department will require the following information:
- a. If water is made available to 25 or more employees at any one time, or to members of the public, or if the kitchen will be used as a commercial kitchen, then the applicant **shall be required to have domestic water supply system**.
 - b. The applicant shall require a health permit to function as a commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department.
 - c. A Hazardous Materials Questionnaire shall be completed for the project and reviewed by the Environmental Health Department. A Hazardous Materials permit may be required.
 - d. The applicant shall verify the water supply and wastewater disposal methods to ensure that they are adequate for this use proposed.
 - e. A detailed plan for pomace and solid waste disposal is required for review and approval by the Environmental Health Department.

Unpermitted Development

19. **Prior to issuance of construction permits**, all existing unpermitted development (e.g. outdoor fireplace and interior garage work) shall receive final building permit inspection.

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Wastewater

20. **Prior to issuance of construction permits**, the applicant shall submit documentation of a waste discharge permit or waiver issued by the Regional Water Quality Control Board.
21. Liquid waste generated by the winery operations must be discharged to a waste water system designed by a civil engineer with expertise in the design of winery wastewater systems and approved by the County Building Official or Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use. Prior to discharge of winery wastewater, the applicant shall obtain approval/permits from the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Fire Safety

22. Prior to occupancy or final inspection, which ever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

Development Review Final Inspection

23. **Prior to occupancy of any structure**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Landscaping

24. Any landscaping associated with the project shall be drought tolerant and shall incorporate the use of drip irrigation for watering purposes. No lawn/turf areas shall be used.

On-going conditions of approval (valid for the life of the project)

Access and Improvements

25. **For the life of the project**, any gate constructed on a driveway taking access to a County maintained road where off-site grapes are delivered and/or product is exported from the site shall be a setback minimum of 75 feet from the traveled way of any road open to public traffic.

Air Quality

26. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Drainage

27. **For the life of the project**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II stormwater program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

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Pomace

28. Solid vegetable waste from the winery (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.

Screening

29. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.
30. Any water tanks associated with the project shall be a neutral, non-contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.
31. The four proposed 18' tall vats shall be screened so they are not visible from any public road in accordance with the approved landscape/screening plan.

Time Limits

32. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
33. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.